

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 2:15-cr-240
Also 2:19-cv-3863

- vs -

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

FREDERICK A. McSHAN,

Defendant. :

REPORT AND RECOMMENDATION

This action under 28 U.S.C. § 2255, brought *pro se* by Defendant Frederick McShan, is before the Court on Defendant's Motion to Reconsider denial of relief under Fed.R.Civ.P. 60(b)(ECF No. 534). The Federal Rules of Civil Procedure do not expressly authorized a motion to reconsider. Instead, such motions are treated as motions to amend or alter a judgment under Fed.R.Civ.P. 59(e). However, there is a strict, non-extendable twenty-eight day deadline for such motions under Fed.R.Civ.P. 6(b)(2).

Defendant's Motion to Reconsider should be denied as untimely.

May 9, 2022.

s/ Michael R. Merz
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #